

## ORDINANCE 3, 2014

### AN ORDINANCE PERMITTING AND PROVIDING REQUIREMENTS FOR ACCESSORY DWELLING UNITS

WHEREAS, The Town is authorized by state statutes, including but not limited to C.R.S. §§ 29-20-101 et seq., 31-15-401, 31-15-601, 31-23-201 et seq. to plan and regulate the use and development of land, the construction of buildings and other structures, and related development and construction activities within the Town; and

WHEREAS, the Town suffered damage to, and destruction of dozens of residences and outbuildings during the floods of September 12-14, 2013, and

WHEREAS, the Town Board of Trustees wishes to facilitate residential recovery and has determined that certain provisions of adopted ordinances may delay reconstruction and/or unnecessarily increase costs associated with rebuilding, new construction and recovery; or may prevent property owners from exercising opportunities for reducing costs or increasing income by prohibiting multi-family dwellings, and

WHEREAS, Ordinance 2, Series 1984 restricts construction within the area served by the Municipal Water System to Single Family Residences, and

WHEREAS, the Town Board now wishes to permit and regulate the construction of Accessory Dwelling Units as defined in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. Applicability: This ordinance is intended to permit the planning, development and use of Accessory Dwelling Units and to provide for reasonable regulations with an emphasis on safety of occupants and compliance with safety and fire regulations while providing for less restrictive uses of owned property.

Section 2. Definitions: As used in this ordinance terms shall have the following meanings:

**Accessory Dwelling Unit (ADU)** means a dwelling unit of permanent construction added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

**Apartment House** means a single building having three or more dwelling units.

**Dwelling Unit** means a building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a bathroom, stove plus either or both a refrigerator and sink) not shared with any other unit.

**Family** means a single individual or a group of persons related by blood, marriage or adoption, or by the relationship of guardian, ward or foster family who may not necessarily be related by blood or marriage, or a group of not more than three (3) unrelated persons living together in a dwelling unit as a single household unit or two unrelated people and any children related to either of them.

**Multiple Dwelling Units (MDU)** means a collection of three or more dwelling units on a single lot.

**Owner Occupancy** means that the property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence (as evidenced by voter registration, vehicle registration or similar means), but not both, and at no time receive rent for the owner-occupied unit.

**Principal Unit** means the owner occupied portion of the original dwelling unit from which the ADU was created or in the case of a detached unit, the original Single Family Dwelling.

**Single Family Dwelling (SFD)** means a detached building designed for or occupied by one family. The addition of a conforming ADU to a SFD shall not change its status as a SFD.

Section 4: Accessory Dwelling Units Permitted: ADUs are permitted within the Town boundaries under the following conditions:

Section 4. (a): ADUs may be created from any single family dwelling, or as a detached unit on any conforming lot that includes a Single Family Dwelling.

Section 4. (b): Existing conforming and nonconforming ADUs are recognized (grandfathered) provided the property owner meets the requirements listed in Sections 6, and 8 through 12.

Section 4. (c): ADUs may be included in the construction of any new SFD.

Section 5. Accessory Dwelling Units – Prohibitions: ADUs shall not be added to apartment houses or any existing dwelling units within an apartment house. ADUs shall not be added to lots containing multiple dwelling units (MDUs). This ordinance is not intended address the construction of apartment houses, cluster homes, duplex homes or any other multi- family housing.

Section 6. Size and Number of ADUs: ADUs shall not exceed 50% of the total square footage of a SFD, not including the square footage of any attached or detached garage or storage shed. An individual ADU shall be at least 300 square feet. The maximum square footage of an individual ADU shall be 1200 square feet. The number of ADUs on a property shall be limited to one. ADUs are permitted solely as an accessory use subordinate to and located upon the same property as a principal unit. Interests in ADUs shall never be conveyed separately from the property, lot or parcel upon which the ADUs are located.

Section 7. Safety Requirements: ADUs shall be constructed in accordance with applicable building codes and shall include safe emergency access and egress, fire/smoke alarms and carbon monoxide detectors.

Section 8. Environmental Requirements: SFDs with ADUs shall meet State and County regulations for On-Site Wastewater Systems.

Section 9. Water Utilities: Properties with ADUs served by the Municipal Waterworks shall be subject to a charge, in accordance with Article II, Section 21, Ordinance 3, Series 2010, as revised, for each additional bathroom constructed for an ADU. All water service connections to service ADUs shall be subject to review and approval by the Town and constructed in accordance with Town requirements.

Section 10. Other considerations: Property owners shall consider available parking and if practicable, or if required by the Town, provide for off street parking for occupants of any SFD containing ADUs.

**Section 11. Permits:** The property owner of any SFD with an ADU or planning to construct an ADU shall contact the Town Clerk and fill out a form that will include the address of the ADU property, the size and type of ADU, and certify, in writing that the ADU or proposed ADU meets the requirements of this ordinance.

**Section 12. Repeal:** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 13. Severability:** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

**Section 14. Penalty Clause:** It shall be a violation of this ordinance for any person to do any act or omission which is declared to be unlawful in this ordinance. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this ordinance is committed, continued or permitted. Upon conviction thereof, such person shall be punishable by a fine of not more than one thousand dollars, by imprisonment for not more than one year, or by both such fine and imprisonment.

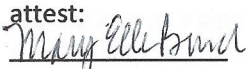
**Section 15. Delinquency Remedies.** Every charge or penalty relating to this ordinance shall be a lien on the property containing an ADU from the time the charge is due, until paid. If any such charge is not paid by the date due the Town may avail itself of one or more of the following remedies, or any other lawful available remedies.

- a) The Town may foreclose the lien.
- b) The Town may maintain an action in any court of competent jurisdiction for the amount of the charge due and any interest, costs, and attorney fees as allowed by law.
- c) The Town may certify the amount of the charge due to the Boulder County Clerk and Treasurer, together with an assessment fee of \$150.00 plus 10% of the aggregate total past due amount and assessment fee (\$15), to become an assessment upon the property served and to be collected and paid over to the Town in the same manner as taxes.

**Section 16. Safety Clause; Ordinance Immediately Effective:** The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

**INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY TITLE THIS 21st DAY OF JANUARY, 2014.**

attest:



Mary Ellen Burch, Town Clerk

TOWN OF JAMESTOWN, COLORADO



Tara Schoedinger, Mayor